



EXHIBIT 6
DATE 2-17-09
HB 434

Mr. Chairman and Members of the Committee:

My name is Jim Gappa and I am the President of the Montana Bowhunters Association. We unite bowhunters statewide to preserve and promote bowhunting opportunity, provide education, foster sportsman/landowner relations, and facilitate access to public habitat and wildlife.

We oppose the introduction of crossbows into the archery season. Crossbows have attributes common to firearms rather than bows, including a stock, trigger and scope. They have an effective range of over 100 yards, double that of compound or traditional bows. The introduction of crossbows into the regular archery season alters the close-range nature of bowhunting.

Several years ago, the MBA worked collaboratively with the Montana Department of Fish, Wildlife and Parks to establish the Permit To Modify Archery Equipment (PTMAE), which went into effect in 2002. This permit allows a person with a permanent disability to use modified archery equipment that supports the bow, and draws, holds and releases the string. Literally, if a person can breathe through a tube, they can release an arrow with modifications made to a compound or traditional bow. These modifications including the bows are readily available at a reasonable cost and can be purchased for less than the cost of some crossbows. Montana's PTMAE meets the Americans with Disabilities Act's definition of reasonable accommodation and it is core to our mission to assist individuals with disabilities in obtaining modified archery equipment suitable to their needs.

The Montana Department of Fish, Wildlife and Parks has addressed numerous challenges to the law in recent years. Each of the challenges has failed, and we feel this demonstrates the vigor of the law as well as the strength of Montana's PTMAE program.

We respectfully request that you table HB 434. Thank you for the opportunity to comment.

Respectfully,

Jim Gappa
President - MBA

Adaptive Equipment for the Aging or Physically Challenged Bowhunter

**Provided as a courtesy of the
North American Bowhunting Coalition**

With special thanks to:

New York Bowhunters, Inc.

Montana Bowhunters Association

North American Bowhunting Coalition

The North American Bowhunting Coalition (NABC) was officially formed during a conference of state and provincial-level bowhunting organizations which was held at the Pope & Young Club's headquarters in Chatfield, Minnesota on August 6th & 7th, 2005.

Attended by 41 representatives of 33 organizations in 29 states and Canadian provinces, attendees addressed issues of greatest concern to the future of bowhunting.

North American Bowhunting Coalition

During the conference a program to assist the aging and physically challenged archer was launched. Attendees agreed that although Physically Challenged bowhunting programs were available in states such as New York and Montana, more work was required to educate bowhunting organizations, game departments, archery shop owners and the general public about the adaptive equipment currently available that can be used with conventional bows.

North American Bowhunting Coalition

Because the members of the NABC recognized the importance of assisting the physically challenged and the elderly, the NABC Physically Challenged Committee was formed in 2005 with two primary goals:

- Educate the general public, archery manufacturers and game departments about available adaptive equipment.
- Educate bowhunting organizations so that they may better assist PC hunters with equipment selection and use.

North American Bowhunting Coalition

The NABC is sensitive to the needs of the physically challenged and aging bowhunter, as well as women and youth archers. This presentation was created as a tool to assist any of these individuals.

We hope this presentation is used as a resource for organizations, businesses or individuals to use as a guide whenever assisting our fellow bowhunters.

Physically Challenged Hunters

The words "Physically Challenged" covers a broad range of individuals which can include:

- The blind
- Wheelchair bound
- Amputees
- People with limited mobility
- And many others



Making final adjustments to this
hunter's legal adapted gear

Physically Challenged Hunting

Contrary to what some manufacturers of crossbows want the public to believe, many physically challenged and elderly bowhunters use modified archery equipment to successfully take big game without the use of a crossbow.



Physically challenged hunter practicing
at the archery range

Crossbow Controversy

The NABC understands that present laws/regulations are in place in some states that allow disabled archers the use of crossbows in archery seasons. In this presentation we are suggesting available alternatives to assist disabled archers so they may hunt with modern conventional bows, adapted to their particular disability.

Modified Archers Permit

Bowhunting organizations have worked with their game departments to help create Modified Archers Permits in an effort to assist physically challenged and elderly bowhunters within their state or province.

Modified Archers Permit

For example, according to the New York State Department of Environmental Conservation (NYSDEC) website, a Modified Archers Permit allows qualified people to hunt big or small game with a legal bow that is equipped with a device to hold it in a drawn and cocked position. This permit does not allow the use of a crossbow.

Modified Archers Permit

According to the Montana Fish, Wildlife and Parks Commission, a Permit to Modify Archery Equipment (PTMAE) reads as:

Residents and non-residents certified as permanently and substantially disabled, as defined by FWP rules, may apply for a PTMAE. The PTMAE allows a person with a disability to use archery tackle that supports the bow, and draws, holds, and releases the string to accommodate the individual disability. Arrows are not exempt, and must meet requirements for the archery only season. This permit does not entitle the holder to use a crossbow. The permit only allows modification of legal archery tackle and must be used with a valid bow and arrow license and appropriate hunting license.

Adaptive Equipment - Where To Start

Depending on the hunter's physical limitations, an adjustment in gear may be all that is required. This is more important as baby boomers begin to age gracefully into their elderly years.

Changing Equipment

With today's high let-off bows, some with as much as 85%, a person pulling 35 pounds is only holding 5 lbs. at full draw. This can make a huge difference to the physically challenged, aging, youth or woman archer.

Most states and provinces have a minimum requirement for the poundage of a legal hunting bow. Please investigate what the minimum bow requirements are for your area.

Choosing The Right Bow

When selecting a new bow for a physically challenged, youth, woman or aging bowhunter keep a few basic things in mind, they are:

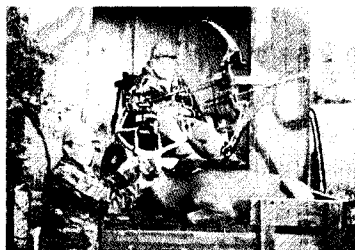
- Choose a light weight bow in the 2.5-3.5 lb. range.
- Choose bows which have round wheels or soft cams.
- Choose a bow with a "Deflexed" riser.
- When possible, choose a bow with a 36" or more axle to axle length.
- Choose a bow in the 35 – 50 lb. draw weight range.
- Choose a bow with a high let-off, over 75%.
- Start practicing with the poundage set low.
- Limit practice to no more than every other day.

Choosing The Right Bow

Hunters Friend, has an exceptional tool for assisting anyone in the selection of a new bow. Their website <http://www.huntersfriend.com/> has a compound bow selection guide which can be used to make side by side comparisons of the specifications of all available compound bows on the market for that calendar year. For example, when searching for a lightweight bow for an aging or disabled hunter, this website can save hours of research time and is a good starting point for the beginning of any bow research.

Adaptive Equipment

For the hunter who cannot hunt by changing to a new or more forgiving bow, many adaptive devices are available to assist them in participating in archery. These devices are shown in subsequent slides:



Adaptive Equipment

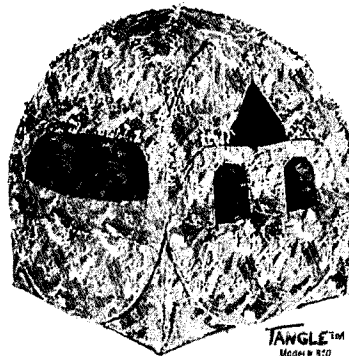
Hunting Blinds

Some hunters have lost the ability to get into tree stands. Many hunters have taken to the ground using pop up blinds. The blind allows the hunter to stay concealed and out of the weather.

Just a few of many sources:

<http://www.aimstep.com>

<http://www.doublebularchery.com>



Adaptive Equipment

Timberlift

Physically challenged hunters w find it difficult or even impossible to climb in a tree stand can use Timberlift. It has a quiet electric motor and rechargeable battery. Information is available at:

<http://www.timberlift.com/>

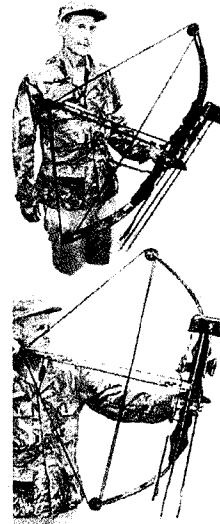


Adaptive Equipment

Draw Assisting Devices

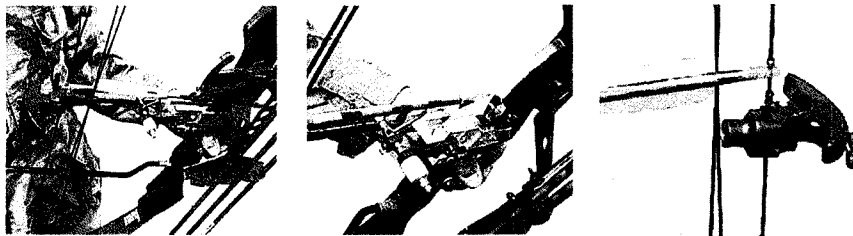
The Pullin Archery device assists the physically challenged archer with his or her bow set-up.

The device can be used for any number of physical disabilities.



Adaptive Equipment

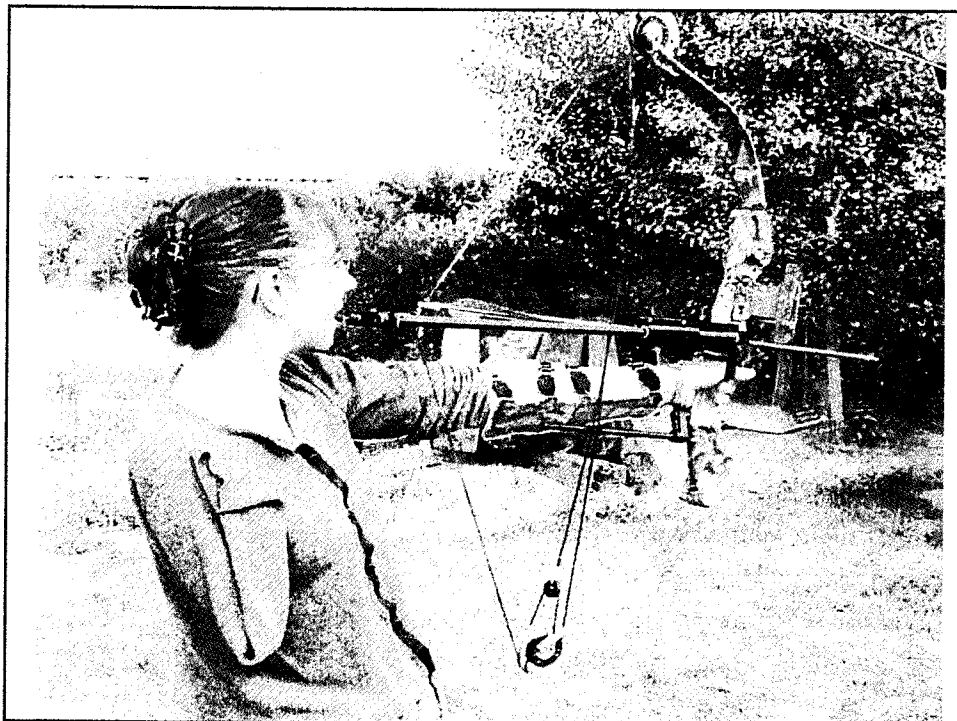
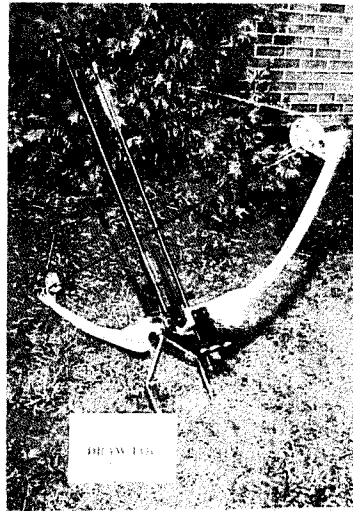
The device assists the hunter in drawing the bow and holding it back at full draw. Pullin Archery Products, Inc can be reached at P.O. Box 78, McDowell, VA 24458. Phone/Fax 540-885-1250.



Adaptive Equipment

Draw Assisting Devices

The Draw-Loc is similar to both the Pullin Archery device and the Bow Pro. Draw-Loc advertisements state that a 7 year old child can load, draw and shoot a 70# compound bow fitted with a Draw-Loc device.



Adaptive Equipment

Draw Assisting Devices

The intended use of the Draw-Loc, Pullin Archery device and the Bow Pro are all the same. Each device allows a hunter to pre-draw the bow, locking the arrow into a holding position. Typically, a stirrup is added to the bow's stabilizer port. This allows a hunter to place their foot into the stirrup while drawing the bow back into the locked position. Once locked into position, the archer only needs to aim and release the devices trigger mechanism.

Draw-Loc can be reached at 228-832-2619.

Adaptive Equipment

Hold Assisting Devices

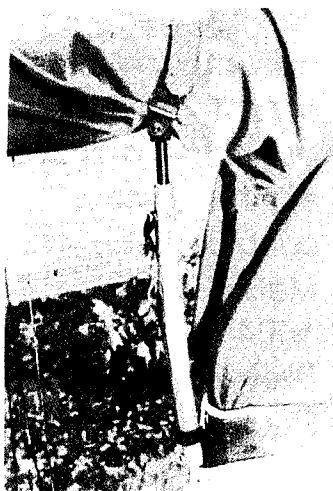
The Steady Freddy allows the archer to draw back a bow on their own and redistributes the bow's physical weight onto the archer's hip. This can help hunters with wrist, elbow and shoulder injuries.



Adaptive Equipment

The Steady Freddy is available from G. R. Reichert at 331 Chestnut Ridge Lane, Harrisburg PA 17112.

The device is also available in some catalog stores and may go by a similar name.



Adaptive Equipment

Hold Assisting Devices

The Arm-A-Rod System is similar to the Steady Freddy and Shooting Pal and is available from:

Lone Star Field Products
537 Easy Street
Garland, TX 75042
Phone: 972-276-3110

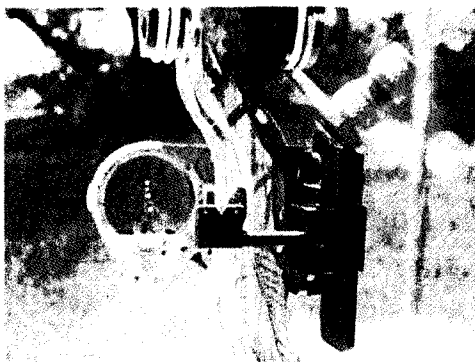
<http://www.lonestarfieldproducts.com>



Sites for the Sightless

The Peep Eliminator
can be used with
existing bow sites in
order for the spotter to
assist the archer in
aiming. Please
contact:

Melvin Deien
1004 S. Walnut Road
Breese, IL 62230
Phone 618-526-4427



Adaptive Equipment

Wheelchair Bow Support

These are made of rectangular
aluminum tubing. The support is
held in place with a custom
plate designed for each
wheelchair.

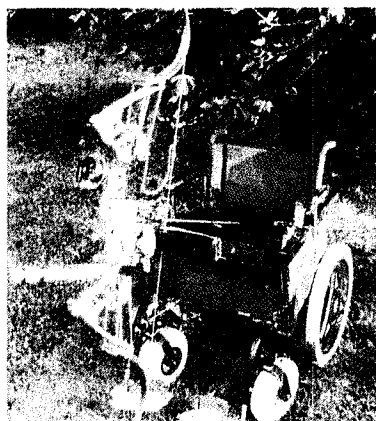
Available by special order from:

LZR Creations

Contact: George Bolender

(315) 524-3967

bowman59@rochester.rr.com

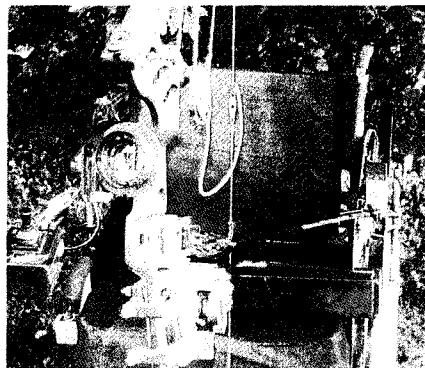


Adaptive Equipment

Wheel Chair Set-up

In a wheel chair set-up, the bow is drawn by the hunter's companion. Utilizing additional adaptive equipment the bow string will remain locked in the release position until a shot is taken or the bow is let down.

The hunter will be able to position the bow and take a shot on their own.



George Bolender from NY with his bow rig and 25 yard group



George Bolender hunting in late fall.

Adaptive Equipment

Release for Single-handed Shooters.

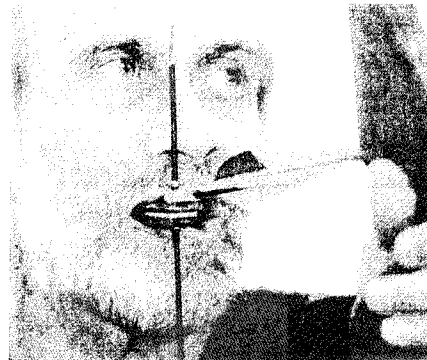
Some hunters missing a hand are in good physical condition and can shoot a modern compound bow with little or no assistance.



Adaptive Equipment

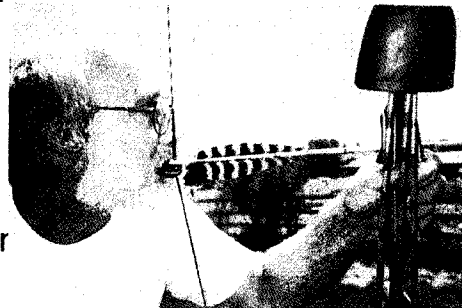
Mouth Tabs

Many physically challenged hunters that are missing limbs have adapted their drawing technique to include the use of a mouth tab.



Adaptive Equipment

Mouth tabs are hard pieces of leather that are permanently attached to the bow string. A bowhunter bites down on the tab, pushes the nocked arrow away from the body coming to full draw. They then aim and open their mouth in order to loose the arrow.



Adaptive Equipment

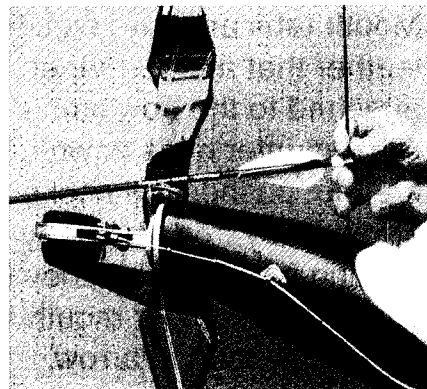
Traditional Archers

Many modern archers continue to hunt with adaptive equipment and modified compound bows but how about a Traditional Archer? Can they continue to hunt too?



Traditional Bowhunters

Of course they can. Don't think that all physically challenged bowhunters hunt with modern gear. This photo is of a modified recurve bow



Traditional Bowhunters

At right is a photo of Jim Onderko. Jim is just one example of "where there's a will, there's a way" in order to hunt with standard bowhunting equipment. Jim lost his right arm at the shoulder in an industrial accident several years ago and also incurred several other permanent injuries due to the accident.



Traditional Bowhunters

Jim moved to Montana from PA several years ago after his accident, in large part due to the crossbow situation in the neighboring state of OH where he often hunted.

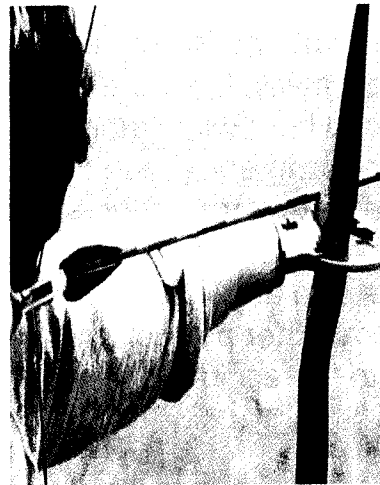
Jim traveled around Montana helping to promote the MT Bowhunters Association's Modified Archers Equipment. Jim shoots with a mouth tab and has taken lots of big game animals in addition to the fine elk in this photo.



Traditional Bowhunters

With a little time and ingenuity, almost all challenges can be overcome with some forethought and a little direction.

The NABC's Physically Challenged Committee is here to provide that direction.



Physically Challenged Hunting

An informative video tape titled "ARCHERY: THE SPIRIT IS ALIVE" may be obtained from: The US Archer, 7315 N San Anna Drive, Tucson, AZ 85704 for a nominal fee.

The video highlights devices that are available to the physical challenged hunter and can be used in conjunction with this presentation.

Additional Sources of Information

Additional sources on physically challenged hunting are:

New York Bowhunters, Inc. at

www.nswyorkbowhunters.com

email: bowman59@rochester.rr.com

PH. (315) 696-6365

Physically Challenged Bowhunters of America at

<http://www.pcha-inc.org/>

PH. (724) 668-7439

Physically Challenged Hunters

By utilizing adaptive equipment and good old American ingenuity, the vast majority of all physically challenged and elderly bowhunters can be in the woods this fall without need of a crossbow. The NABC understands that each physically challenged hunter's needs are different and that circumstances may arise where hunters would need to use devices not depicted in this presentation. State and local bowhunting organizations can assist individuals with locating and tailoring suitable adaptive equipment.

The NABC supports the rights of all hunters to be in the woods bowhunting this fall.

North American Bowhunting Coalition

THE END

Please contact the NABC with any questions you may have regarding adaptive equipment or for additional copies of this presentation. We can be reached at :

**North American Bowhunting Coalition, P.O. Box 493,
Chatfield, MN 55923**



Montana Fish, Wildlife & Parks

www.fwp.mt.gov

EXHIBIT 6
DATE 2-17-09
HB 434

2007 Permit To Modify Archery Equipment

Section 1 — Must be completed by the applicant

ALS = Automated Licensing System

- Montana hunting, fishing and other recreational licenses are issued via an automated licensing system (ALS).
- The first time you acquire a license through ALS, you will be assigned a **lifetime "ALS number"**.
- **The ALS number is your birthdate plus a number randomly issued by the automated system.**

Date of Birth ____/____/____ ALS # ____ (see above)
MM DD YYYY

Last 4 Digits of your Social Security Number _____

If you do not have an ALS number, you MUST provide your social security number.

MANDATORY	Name First		MI	Last		Jr. Sr.	Home Phone () -	Work Phone () -
	Mailing Address (Your application cannot be processed if you list only a PO Box Number)						Physical Address	
	City			State	Zip Code	Country <input type="checkbox"/> USA <input type="checkbox"/> Other _____		
	<input type="checkbox"/> Female	Weight	Height	Hair	Eyes	Occupation		
	<input type="checkbox"/> Male							
	<input type="checkbox"/> Yes (FWP receives requests for mailing lists. Do you want your <input type="checkbox"/> No name included on lists provided by FWP to requestors? <i>see below</i>)							
I hereby declare that all statements on this form are true and correct. I understand that if I subscribe to any false statement in this application I am subject to criminal prosecution. MCA 87-2-104. X _____ SIGNATURE OF APPLICANT—Original Signature Required—Do Not Print (Faxed or photocopied signature not acceptable.)								
_____ Date								

Section 2 and 3 — Must Be Completed - See Reverse Side of Application

Section 3 must be completed by a licensed physician, Medical (M.D.) or Osteopathic (D.O.) only.

Mailing Lists - Montana Fish, Wildlife & Parks receives requests for mailing lists. **Please note, even if you chose no, under state law the department is required to allow individuals who wish to compile their own mailing list access to department records including your name, address, gender, residency status, license type, district applied for and whether you were successful.

Please Remember:

- This permit must be used with a valid current years hunting license.
- This permit is nontransferable.
- This permit is valid unless permit criteria changes.
- This permit is free-of-charge.
- Invalid or incomplete applications will be returned.
- Questions???s —Call (406) 444-2535

Return completed application to:

Montana Fish, Wildlife & Parks
ATTN: Information Center
1420 East 6th Avenue
PO Box 200701
Helena, MT 59620-0701

Check Your Application:

- ☐ I have filled out MANDATORY Sections 1 and 2.
- ☐ I have signed my application in both Section 1 and 2.
- ☐ I have obtained a licensed physician's (M.D. or D.O.) certification in Section 3.

LICENSES issued through the mail may take two weeks from time of receipt to process.
Please allow adequate time

Section 2 — Must be completed by the applicant

The "Permit To Modify Archery Equipment" (PTMAE) allows a person with a permanent disability to use modified archery tackle that supports the bow, and draws, holds and releases the string to accommodate the individual disability (arrows, however, are not exempt, and still need to meet current requirements for the archery season as defined in the annual regulations). Crossbows may not be used during the archery season.

The applicant is required to meet eligibility criteria established by the FWP Commission as listed below.

The "Permit To Modify Archery Equipment" holder may be required to have a companion to assist in aspects of the hunt such as bow set-up and transporting the game animal(s), etc. The companion may also assist the permit holder by hunting (by the legal use of archery equipment only) a game animal that has been wounded by the permit holder when the hunter with a disability is unable to pursue and kill the wounded animal.

Some applicants that qualify under the PTMAE criteria may only need equipment modification to be self-sufficient and are not required to have a companion. However, if a person's disability and situation necessitates assistance, then they must have a companion that can help with those aspects.

I (print your name), _____ hereby affirm that I have read and understood the above regulation, and that I experience one of the conditions listed below which renders me incapable of using legal archery tackle to use for hunting during the archery season.

X _____
SIGNATURE OF APPLICANT — Original Signature Required — Do Not Print
(Faxed or photocopied signature not acceptable)

_____ Date

Section 3 — Must be completed by a licensed physician (M.D. or D.O. only)

Montana Fish, Wildlife & Parks requires that an applicant for the "Permit To Modify Archery Equipment" meets at least one of the following criteria as a **PERMANENT** medical condition (check all that apply):

- ☐ Amputation involving 4 fingers at the proximal interphalangeal joint, wrist, elbow or shoulder.
- ☐ Spinal cord injury at the level of T-1 or above, resulting in permanent disability of at least 80% to a hand, wrist, arm or shoulder.
- ☐ Muscle weakness resulting in a permanent disability of the muscles of the shoulder, arm and back used in drawing and holding a bow. (Testing procedures shall use the "Techniques of Manual Muscle Testing" by Daniels and Worthingham and be scored on a range of grade 0 to grade 5. The applicant must score grade 3 or worse to qualify for a modified archer's permit.)
- ☐ Impaired range of motion of the shoulder, elbow or wrist that would prohibit the applicant from raising and holding a bow in the horizontal position. The impairment must be of a permanent nature.
- ☐ Coordination deficit. Coordination is the ability to execute smooth, accurate, controlled movement. Incoordination or coordination deficit describes abnormal motor function characterized by awkward, extraneous, uneven or inaccurate movements. This deficit may be caused by central nervous system disorders, including, but not limited to, Parkinson's Disease, Cerebral Palsy, Hemiplegia, Hemiparesis and closed head trauma; or by progressive neuromuscular diseases, such as Muscular Dystrophy, Multiple Sclerosis and Amyotrophic Lateral Sclerosis. The physician must assess the ability of the applicant to use his or her muscles or groups of muscles in a coordinated manner necessary to adequately and safely shoot a standard bow.

I hereby certify that the above-named applicant is eligible for the "Permit To Modify Archery Equipment" due to the applicant's **PERMANENT** medical condition checked above.

PRINT — M.D. or D.O. Name

M.D. or D.O. Office Phone Number

PRINT — M.D. or D.O. Address

M.D. or D.O. License #

M.D. or D.O. Signature

Date

SECRET 6
DATE 2-17-09
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Permit To Modify Archery Equipment (PTMAE)

How to Apply?

Who can apply?

To qualify for PTMAE, the applicant--resident or nonresident--must be certified by a licensed physician (M.D. or D.O.) and must meet at least one of the following permanent medical conditions:

- Amputation involving 4 fingers at the proximal interphalangeal joint, wrist, elbow or shoulder.
- Spinal cord injury at the level of T-1 or above, resulting in permanent disability of at least 80% to a hand, wrist, arm or shoulder.
- Muscle weakness resulting in a permanent disability of the muscles of the shoulder, arm and back used in drawing and holding a bow.
- Impaired range of motion of the shoulder, elbow or wrist that would prohibit the applicant from raising and holding a bow in the horizontal position
- Coordination deficit. (See application for specific details)

How much does it cost?

No charge.

When and where can I get the permit?

This permit is available throughout the license year, beginning March 1.
 This permit is only available from a MFWP office.

What does PTMAE entitle me to do?

The PTMAE allows a person with a disability to use modified archery tackle that supports the bow, and draws, holds and releases the string to accommodate the individual disability (arrows, however, are not exempt, and still need to meet current requirements for the archery season as defined in the annual regulations). Crossbows may not be used during the archery season.

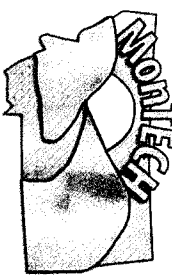
How to Apply?

The **PTMAE** application is available from any MFWP office, by calling 406-444-2535 or print the application from our website at www.fwp.mt.gov.

1. The application must be completely and correctly filled out.
2. All applicants applying for this permit must be certified by a licensed physician (M.D. or D.O.) as meeting the permanent disability criteria listed on the current application.
3. Return your application by mail or in person to any MFWP office for certification. Eligible applicants will be issued:
 - a) a wallet card, which must be carried on their person and used with their **current year's archery and hunting license**.
 - b) specific guidelines regarding **PTMAE**. Permit-holders may be required to have a companion to assist in aspects of the hunt such as bow set-up, transporting the game animal(s), etc. The companion may also assist the permit holder by hunting (by the legal use of archery equipment only) a game animal that has been wounded by the permit holder when the hunter with a disability is unable to pursue and kill the wounded animal.

Definition of a Montana Resident:

A person who has physically lived in Montana for at least 180 consecutive days (six months) immediately before purchasing any resident license; has filed Montana state income tax returns as a resident if they are required to file; has registered their vehicles in Montana; if they are registered to vote, they are registered in Montana; and they may not possess or apply for any resident hunting, fishing or trapping privileges in any other state or country. Once you have established your residency, you must continue to meet all these requirements and physically reside in Montana as your principal or primary place of abode for not less than 120 days per year (days need not be consecutive). See MCA 87-2-102 for complete definition. Call your local Fish, Wildlife & Parks office if you have questions.




MonteTech - Providing access to assistive technology tools, resources and support for Montanans with disabilities. (406) 243-5751; Toll Free: (877) 243-5511 or montech@ruralinstitute.umt.edu

Website: www.fwp.mt.gov
TDD Assisted Number
 406-444-1200
Montana Fish, Wildlife & Parks
Information Center
 1420 East 6th Ave
 PO Box 200701
 Helena MT 59620-0701

01/08

crossing the barriers

Hunting and Fishing Opportunities for Those With Disabilities

- Information on:**
- Resident Person with a Disability Conservation License
 - Permit to Hunt From a Vehicle
 - Permit to Modify Archery Equipment
- 
 Montana Fish, Wildlife & Parks

Resident with a Disability Conservation License

How to Apply?

Who can apply?

To qualify for this license, the applicant must be a **legal resident of Montana** and must be certified as **permanently disabled** by a physician (M.D. or D.O.) licensed to practice in Montana.

A person is eligible for the Resident with a Disability Conservation License if the person is:

- A person whose disability has been medically determined to be **permanent** and substantial, and resulting in significant impairment of the person's functional ability and specifically includes amputations, blindness, cancer, cerebral palsy, cystic fibrosis, deafness, heart disease, hemiplegia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia, other spinal cord conditions, and renal failure OR; (ii) a person who, because of lack of social competence, mobility, experience, skills, training or other successful characteristics, is in need of and is receiving sheltered employment or work activities services in a protective setting.

How much does it cost?

*\$8.00

When and where can I buy the license?

Once certified through Montana Fish, Wildlife & Parks (MFWP), your annual conservation license may be obtained at any MFWP office. MFWP authorized license provider or through our website at www.fwp.mt.gov - Online Licensing.

What does a Resident with a Disability Conservation License entitle me to?

The license includes:

Conservation, Upland Game Bird, Fishing, Warm Water Fish, State Migratory Bird, State Lands license and **entitles you to purchase:**
 -Deer A - \$6.50
 -Elk - \$8.00
 -1/2 price overnight camping fees at Montana State Parks

Permit to Hunt From a Vehicle (PTHV)

How to Apply?

Who can apply?

To qualify for this permit, the applicant—resident or nonresident—must be capable of holding and firing legal firearms, without assistance from other persons. The applicant also must be certified by an appropriate health care provider (MD, DO, APRN or PA) and must meet at least one of the following **permanent** medical conditions:

Permanently dependent on:

- an oxygen device, wheelchair, crutch, or cane for mobility;
- is an amputee above the wrist or ankle;
- be unable to walk, unassisted, 600 yards over rough and broken ground while carrying 15 pounds within 1 hour AND be unable to handle and maneuver up to 25 pounds.

How much does it cost?

No charge.

When and where can I get the permit?

This permit is available throughout the license year, beginning March 1.

This permit is only available from MFWP offices.

What does PTHV entitle me to do?

The PTHV authorizes the permit-holder to hunt from a vehicle **wherever vehicular traffic is allowed and permission to hunt is authorized**. The permit **DOES NOT** provide any automatic waiver or exemption from travel restrictions imposed by a private landowner or land management agency, except on state school trust lands as provided for under ARM 36.25.149. Any such waiver or exemption from travel restrictions must be specifically granted by the private landowner or land management agency. Some restrictions do apply and permit-holders will receive specific guidelines regarding PTHV.

The Resident with a Disability Conservation License application is available from any MFWP office, by calling 406-444-2535 or print the application from our website at www.fwp.mt.gov.

1. **Section 1 of the application must be completely and correctly filled out.** This includes providing your physical address. MCA 87-2-106 requires the applicant to provide a physical address—your application cannot be processed if you list only your post office box.

2. **You must submit a photocopy of your valid Montana driver's license or valid Montana identification card with your application if applying by mail.** If you purchase your license in person, you must present a valid Montana driver's license or valid Montana identification card. (MCA 87-2-106).

3. **Section 2 of the application must be certified by a physician (M.D. or D.O.) licensed to practice in Montana that your permanent disability meets MFWP eligibility requirements.**

4. **Return your application by mail or in person to any MFWP office.** If applying by mail, be sure to enclose your payment of \$8.00 in the form of a money order, personal or cashier's check.

*Senate Bill 166 has amended MCA 87-2-805 (5), if you are 12 - 14 or 62 years of age or older your Resident with a Disability Conservation license is free for license year 2008.

Montana's license year is March 1 through the end of February of the following year. EACH YEAR an individual must obtain a conservation license in order to fish, purchase any hunting licenses or apply for special drawings.

Note: A physician's certification will not be required each year.

The **PTHV permit application** is available from any MFWP office, by calling 406-444-2535 or print the application from our website at www.fwp.mt.gov.

1. The application must be completely and correctly filled out.

2. All applicants applying for this permit must be certified by an appropriate health care provider (MD, DO, APRN or PA) as meeting the **permanent** disability criteria listed on the current application. This is necessary to ensure all holders of this permit comply with MCA 87-2-803.

3. Return your application by mail or in person to any MFWP office for certification. Eligible applicants will be issued:

- a **wallet card**, which must be carried on their person and used with their **current year's hunting license**,
- four hunter orange placards that must be clearly displayed** on the front, rear, and both sides of the vehicle from which they are hunting,
- specific guidelines** regarding **PTHV**. Permit-holders **must** be accompanied by a companion who is able to assist in immediately dispatching, field dressing and retrieving any game animal wounded or killed.

PERMIT TO HUNT



FROM A VEHICLE

SECRET 6
DATE 2-17-09
HR 434

Permit To Modify Archery Equipment (PTMAE)

How to Apply?

Who can apply?

To qualify for PTMAE, the applicant--resident or nonresident--must be certified by a licensed physician (M.D. or D.O.) and must meet at least one of the following permanent medical conditions:

- Amputation involving 4 fingers at the proximal interphalangeal joint, wrist, elbow or shoulder.
- Spinal cord injury at the level of T-1 or above, resulting in permanent disability of at least 80% to a hand, wrist, arm or shoulder.
- Muscle weakness resulting in a permanent disability of the muscles of the shoulder, arm and back used in drawing and holding a bow.
- Impaired range of motion of the shoulder, elbow or wrist that would prohibit the applicant from raising and holding a bow in the horizontal position
- Coordination deficit. (See application for specific details)

How much does it cost?

No charge.

When and where can I get the permit?

This permit is available throughout the license year, beginning March 1.

This permit is only available from a MFWP office.

What does PTMAE entitle me to do?

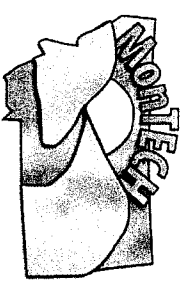
The PTMAE allows a person with a disability to use modified archery tackle that supports the bow, and draws, holds and releases the string to accommodate the individual disability (arrows, however, are not exempt, and still need to meet current requirements for the archery season as defined in the annual regulations). Crossbows may not be used during the archery season.

The PTMAE application is available from any MFWP office, by calling 406-444-2535 or print the application from our website at www.fwp.mt.gov.

1. The application must be completely and correctly filled out.
2. All applicants applying for this permit must be certified by a licensed physician (M.D. or D.O.) as meeting the permanent disability criteria listed on the current application.
3. Return your application by mail or in person to any MFWP office for certification. Eligible applicants will be issued:
 - a) a *wallet card*, which must be carried on their person and used with their **current year's archery and hunting license**,
 - b) *specific guidelines* regarding PTMAE. Permit-holders may be required to have a companion to assist in aspects of the hunt such as bow set-up, transporting the game animal(s), etc. The companion may also assist the permit holder by hunting (by the legal use of archery equipment only) a game animal that has been wounded by the permit holder when the hunter with a disability is unable to pursue and kill the wounded animal.

Definition of a Montana Resident:

A person who has physically lived in Montana for at least 180 consecutive days (six months) immediately before purchasing any resident license; has filed Montana state income tax returns as a resident if they are required to file; has registered their vehicles in Montana; if they are registered to vote, they are registered in Montana; and they may not possess or apply for any resident hunting, fishing or trapping privileges in any other state or county. Once you have established your residency, you must continue to meet all these requirements and physically reside in Montana as your principal or primary place of abode for not less than 120 days per year (days need not be consecutive). See MCA 87-2-102 for complete definition. Call your local Fish, Wildlife & Parks office if you have questions.



MonteTech - Providing access to assistive technology tools, resources and support for Montanans with disabilities. (406) 243-5751; Toll Free: (877) 243-5511 or montech@ruralinstitute.umt.edu

Website: www.fwp.mt.gov

TDD Assisted Number
406-444-1200

Montana Fish, Wildlife & Parks
 Information Center
 1420 East 6th Ave
 PO Box 200701
 Helena MT 59620-0701

01/08

crossing the barriers

Hunting
and
Fishing Opportunities
for
Those With Disabilities

- Information on:
- Resident Person with a Disability Conservation License
 - Permit to Hunt From a Vehicle
 - Permit to Modify Archery Equipment



EXHIBIT 6

DATE 2-17-

HB



MBA Information regarding Special Equipment Restriction Areas

Crossbows are not legal during Montana's archery only season and the bowhunters of Montana do not want them to be introduced. There is ample opportunity for crossbow enthusiasts to utilize their weapon during the general rifle season as well in Special Equipment Restriction Areas throughout the state. In fact, there are at least nine Special Equipment Restriction Areas and Hunting Districts in Montana designated by FWP as restricted to hunting with archery equipment, shotgun, traditional handgun, muzzleloader or crossbow. These nine areas are interspersed throughout the state, take in portions of 17 different hunting districts, and encompass over 2 million acres. This includes the majority of hunting district 309, located west of Bozeman, which allows the taking of deer and elk. Special Equipment Restriction areas around the state provide opportunities for anybody, disabled or not, to hunt the early or late seasons with restricted equipment, including crossbows.

EXHIBIT 6
DATE 2-17-09
HB 434

Dept of Interior Seal

United States Department of the Interior
OFFICE OF THE SECRETARY
Washington, D.C. 20240

IN REPLY REFER TO:
OCR/FAP 401-04-02

Chad Waligura
1204 Laurel Lane
El Campo, Texas 77437

Dear Mr. Waligura:

On October 7, 2003, you filed a complaint wherein you alleged that the Montana Department of Fish, Wildlife and Parks (hereinafter, "MDFWP") discriminated against you on the basis of Disability when it denied your request to use a crossbow during archery season. Specifically, you Requested an accommodation to use a crossbow due to your alleged disability, quadriplegia. We Accepted as fact that you are a person with a disability. Since the MDFWP receives Federal financial assistance from the Department of Interior (hereinafter, "Department"), we reviewed your Complaint under section 504 of the Rehabilitation of 1973, (hereinafter, "Act") and Title II of the Americans with Disabilities Act (hereinafter, "ADA").¹ The sole issue is whether the MDFWP violated the Act or the ADA when it denied your request for an accommodation to use a crossbow.

Based on the relevant information provided, we have determined that the MDFWP did not discriminate under the Act or ADA when it denied your request to use a crossbow. Since the MDFWP did not violate these statutes, there are no compliance issues that require enforcement. Accordingly, the Department is dismissing your complaint. The Department's analysis is provided below.

Analysis

In Montana, the State's fish and game regulations provide that crossbows may be used during The general rifle season and in most weapons restricted areas during the general rifle season. However, the use of crossbows is prohibited during the archery seasons.² This restriction

¹ The Act prohibits discrimination on the basis of disability in programs or activities receiving Federal financial Assistance. The ADA prohibits discrimination on the basis of disability in programs or activities conducted by Public entities whether or not they receive Federal financial assistance. As a recipient of Federal financial Assistance and as public entity, the MDFWP's operations are covered by both statutes.

² "Methods and Means of Hunting," 2005 Montana Hunting Regulations, Deer-Elk-Antelope.

Applies equally to members of the public. In Montana, any person including people with disabilities may hunt with a crossbow during the general rifle season and in most weapons restricted areas. But during the State's archery season and in "ArchEquip Only" areas, it is illegal to hunt with a crossbow.

Hunting with a crossbow in the State is not prohibited entirely; the weapon's use is merely restricted. During the general hunting season and in most restricted areas any person, with an appropriate permit, may hunt with a crossbow. Additionally, in Montana, qualified disabled persons are eligible to secure a special permit from the MDFWP that allows them to use modified archery tackle. Since it is illegal to use the crossbow in the State's archery season, you are not authorized to use a crossbow as requested in your complaint.

In the instant case, there is no evidence that Montana's restrictions on the use of the crossbow during archery discriminated against persons on the basis of disability, particularly since such use is prohibited by regulations and applies equally to members of the public. Furthermore, there is no evidence that Montana's restrictions on the use of the crossbow deny qualified disabled persons an effective opportunity to participate in Montana's hunting program. In Montana, it is illegal to hunt with crossbows in certain restricted areas and during archery season. Neither the Act nor the ADA requires the State of Montana to eliminate restrictions on the use of the crossbow as special accommodation for people with disabilities.

The Department recognizes that States have taken different positions on providing the crossbow as an accommodation for bowhunters with disabilities. However, the Department cannot mandate that a recipient or State agency provide a crossbow as an accommodation where the crossbow is prohibited. Accordingly, since there are no compliance issues that require the Department's review, we consider your complaint to be closed. The Department will take no further action to process your request for an accommodation to use a crossbow in Montana's hunting program. If you disagree with the Department's decision, you may file a Civil action in the appropriate U.S. District Court having jurisdiction over this matter. If you have any questions or desire any additional information regarding the nondiscrimination Requirements of section 504 and Title II of the ADA, please do not hesitate to contact Melvin C. Fowler, Civil Rights Staff Assistant, of this Office at (202) 208-3455.

Sincerely,

s/s

Sharon D. Eller
Director
Office for Civil Rights

cc: Director MDFWP
Chief, Division of Federal Assistance, FWS



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

RECEIVED

SEP 6 2004

FISH, WILDLIFE & PARKS
DIRECTOR'S OFFICE

IN REPLY REFER TO:
EO: FAP 401-04-72

Mr. Peter L. Cuffaro
102 Hunters Ridge Road
Wheeling, West Virginia 26003

SEP 02 2004

Dear Mr. Cuffaro:

You filed a complaint dated October 24, 2003, wherein you alleged that the Montana Fish, Wildlife and Parks Department (hereinafter, "MFWPD") discriminated against you on the basis of disability when it denied your request to use a crossbow during archery season. Specifically, you requested an accommodation to use a crossbow due to your alleged disability. We accept as fact that you are a person with a physical disability. Since the MFWPD receives Federal financial assistance from the Department of the Interior (hereinafter, "Department"), we reviewed your complaint under section 504 of the Rehabilitation Act of 1973, as amended, (hereinafter, "Act") and Title II of the Americans with Disabilities Act (hereinafter, "ADA").¹ The sole issue is whether the MFWPD violated the Act or the ADA when it denied your request for an accommodation to use a crossbow.

Based on the relevant information provided, we have determined that the MFWPD did not discriminate under the Act or ADA when it denied your request to use a crossbow. Since the MFWPD did not violate these statutes, there are no compliance issues that require enforcement. Accordingly, the Department is dismissing your complaint. The Department's analysis is provided below.

Analysis

In Montana, the State's fish and game regulations provide that crossbows may be used during the general hunting season and in most weapons restricted areas during the general season. The use of crossbows is prohibited during the archery season.² This restriction applies equally to members of the public. In Montana, any person including people with disabilities may hunt with a crossbow during the general hunting season and in most weapons restricted areas. However, during the State's archery season, it is illegal to hunt with a crossbow.

¹ The Act prohibits discrimination on the basis of disability in programs or activities receiving Federal financial assistance. The ADA prohibits discrimination on the basis of disability in programs or activities conducted by public entities whether or not they receive Federal financial assistance. As a recipient of Federal financial assistance and as a public entity, the MFWPD's operations are covered by both statutes.

² "Methods and Means of Hunting," 2004 Montana Hunting Regulations, Deer-Elk-Antelope: 15.

✓ 10: 75
9/10 wildlife
Legal

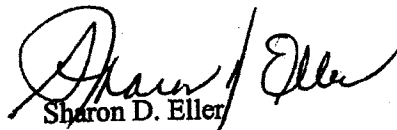
Hunting with a crossbow in the State is not prohibited entirely; the weapon's use is merely restricted. During the general hunting season and in most weapons restricted areas any person, with an appropriate permit, may hunt with a crossbow. Additionally, in Montana, qualified disabled persons are eligible to secure a special permit from the MFWPD that allows them to use modified archery tackle. Since it is illegal to use the crossbow in the State's archery season, you are not authorized to use a crossbow as requested in your complaint.

In the instant case, there is no evidence that Montana's restrictions on the use of the crossbow during archery discriminate against persons on the basis of disability, particularly since such use is prohibited by regulation and applies equally to members of the public. Furthermore, there is no evidence that Montana's restrictions on the use of the crossbow deny qualified disabled persons an effective opportunity to participate in Montana's hunting program. In Montana, it is illegal to hunt with crossbows in certain restricted areas and during archery season. Neither the Act nor the ADA requires the State of Montana to eliminate restrictions on the use of the crossbow as a special accommodation for people with disabilities.

The Department recognizes that States have taken different positions on providing the crossbow as an accommodation for bowhunters with disabilities. However, the Department cannot mandate that a recipient or State agency provide a crossbow as an accommodation where the crossbow is prohibited. Accordingly, since there are no compliance issues that require the Department's review, we consider your complaint to be closed. The Department will take no further action to process your request for an accommodation to use a crossbow in Montana's hunting program.

If you disagree with the Department's decision, you may file a civil action in the appropriate U. S. District Court having jurisdiction over this matter. If you have any questions or desire any additional information regarding the nondiscrimination requirements of section 504 and Title II of the ADA, please do not hesitate to contact Melvin C. Fowler, Civil Rights Staff Assistant, of this Office at (202) 208-3455.

Sincerely,



Sharon D. Eller
Director
Office for Civil Rights

cc: Director MFWPD
Acting Chief, Division of Federal Assistance, FWS
FWS Civil Rights Coordinator

February 21, 2002

Mr. Steve Funderburk
Deputy Chief
Division of Bird Habitat Conservation
US Fish and Wildlife Service
Washington, DC 20240

EXHIBIT 6
DATE 2-17-09
HB 434

Reference: FWS/DBHC #CR-2002-05

Dear Mr. Funderburk:

We are in receipt of a copy of your letter requesting material from the Montana Department of Fish Wildlife and Parks (MDFWP) on this case. As you know from your records, the Montana Bowhunters Association (MBA) has also received correspondence from Mr. Reed over the past few months on this issue. We feel that many of Mr. Reed's statements and claims within this correspondence are in error and we would like to acquaint your office with background details pertinent to this case.

I. Recent History of Archery Regulations in Montana

In the past, the MBA had become increasingly concerned about the encroachment of technology in bowhunting and its impacts upon the future of our season. We therefore approached the MDFWP in the summer of 1999 and worked collaboratively to introduce a proposal to strictly define legal archery hunting equipment in terms of bow types, designs, accessory attachments and arrows. These regulations, which were based upon nationally recognized standards (Pope and Young Club guidelines) were approved by the MDFWP Commission in February 2000, after an extended public comment period.

It is imperative to note at this time, that the crossbow was not legal archery equipment prior to this decision and had never been considered legal archery equipment under Montana law.

II. Improving Access for the Physically Challenged

In March 2001, the MBA recognized that Montana's equipment regulations did not allow accommodations for the physically challenged who wished to bowhunt in Montana and that some modification of the archery regulations was needed to provide access. We therefore began researching various methods to improve access and sent a representative to a national conference on adaptive equipment for disabled bowhunters in April 2001.

Using this information, we designed a proposal that would allow individuals with certain permanent disabilities specific to bowhunting's requirements to modify an otherwise legal hunting bow with draw lock devices and other accessories. These modifications, allowed under a Modified Archer's Permit (MAP) have been shown to be successful and sufficient in other states across the country.

We therefore approached the MDFWP and Montana's handicapped access group for outdoor sports, Access Montana Outdoors, Inc. (AMO). Both groups recognized this as an opportunity to provide access to bowhunting for the physically challenged and the proposal was forwarded to the MDFWP Commission for consideration. In December 2001, the Commission held a public meeting to review a variety of proposed changes to hunting regulations. During testimony, Ralph Martin (representing Montana's handicapped access group - AMO) officially endorsed this proposal on behalf of Access Montana Outdoors, Inc. The MDFWP Commission then forwarded this proposal to a series of statewide public hearings that were held during January 2002. Testimony at these public meetings was overwhelmingly supportive of increasing access through use of these adaptive devices and on February 20, 2002, the Commission officially adopted these new regulations.

III. Adaptive Archery Devices and their Effectiveness

The adaptive devices themselves have a long history of successful use. Much of the pioneering work in these devices was performed under the direction of "Little John" DiMura, from Syracuse, New York. DiMura is a quadriplegic who formerly competed competitively in archery prior to his disability. Determined to continue bowhunting, he designed adaptive devices that would allow him to use conventional compound bows. Likewise, many of these early devices were manufactured in garages and archery shops on a piecemeal basis. It is important to note that this is no longer the case. There is an extended list of suppliers of adaptive devices that are now commercially available to those who wish to bowhunt. National organizations such as the Physically Challenged Bowhunters of America (PCBA) maintain websites, supply catalogs, provide referrals to other PCBA members and even provide some equipment on loan to members who wish to trial them prior to purchase. The main stumbling block currently is that most physically challenged individuals are unaware of these resources or mistakenly believe that they must fabricate these devices themselves. This is obviously not the case.

The New York Bowhunters association (NYB) has been a leader in promoting the use of these devices through education and special hunting opportunities. Use of adaptive devices has been legal in NY since 1989 and the NYB have held special annual bowhunts for the disabled since 1997. The first Physically Challenged Bowhunt in 1997 was noteworthy in that ten bowhunters collected eight deer in only 3 days. Contrasted to the annual five-week bow season in NY, where only 12 out of 100 able-bodied hunters are successful, the 80% success rate of these motivated bowhunters demonstrates that use of these devices is not only possible, but also effective.

Our intentions in proposing these regulations were to provide accommodations for the disabled while preserving the fundamental nature of bow hunting with archery equipment. The crossbow is simply not archery equipment and it is virtually impossible to introduce its use without permanently altering that fundamental nature. This is sometimes confusing to those unfamiliar to archery hunting in that the crossbow shoots a projectile that resembles an arrow. Any similarity ends at that point.

The crossbow has never been recognized as a legal archery weapon in Montana for valid reasons. It is a highly sophisticated weapon with superior design, range and accuracy. Its overall design with a form-fitting rifle stock, its method of mounting, its aiming with sophisticated telescopic sights and use of a firearm-system trigger mechanism all lend themselves to use as a firearm-type weapon with corresponding accuracies and ease of use. The crossbow has therefore only been legal for use during the general rifle/shotgun/muzzleloader season in Montana.

For examples of such hunting effectiveness, you need to look no further than Mr. Reed's own correspondence to your Department. In one letter, he states clearly that he was able to kill "at least one deer each hunting season I was physically able to hunt with a crossbow for the last 9 years in Kansas". Contrast Mr. Reed's 100% annual success rate to the annual archery harvest rates in Montana of 13.3% for deer and 5.4% for elk. The discrepancies are undeniable. When an individual with the degree of impairment to equilibrium and strength claimed by Mr. Reed can report such outstanding success, then it is apparent that either the weapon is too sophisticated for the activity or the individual is truly capable of employing the adaptive devices recently approved by the MDFWP Commission. In either case, use of a crossbow is unwarranted.

The successful use of these adaptive devices in hunting situations has been well established in archery literature. However, it has never been documented through independent testing that disabled individuals who advocate for or prefer to use the crossbow are indeed unable to use the adaptive archery equipment that is legal under Montana law. We would appreciate research by an independent body that would compare the physical requirements of fully adapted archery equipment to those required by the crossbow. Being somewhat familiar with both types of equipment, we cannot conceive of a disability where modified archery equipment could not be used and where a crossbow would be usable. Even certain quadriplegics can use the adaptive equipment if properly attached to their wheelchair (please see attached descriptions of some equipment). Until such independent testing is performed, there is simply no way to substantiate anecdotal claims that the adaptive devices do not work.

IV. The Crossbow is Legal in Montana's General Hunting Season

Research has shown that crossbows offer significant advantages in accuracy and effective hunting range, regardless of the shooter's experience or physical attributes. For those reasons, in Montana the crossbow has always been categorized as a firearm-type weapon and has been allowed only during the general big game season, along with rifles, muzzleloaders and shotguns. This general rifle season in Montana is a generous five-week season and those who are unwilling to make the personal commitment to learn to shoot archery equipment, may use a crossbow during this season if they so desire. This applies to both able-bodied as well as physically challenged individuals.

V. The Crossbow is not Archery Equipment

A comprehensive study of crossbows performed by an independent engineering firm in 1989 resulted in the 200 page Marlow Report, which has become the landmark reference on the subject. A copy of the summary of this report is enclosed for your review. This study found that the rigidly controlled internal ballistics inherent in this firearms design resulted in superior performance and accuracy, regardless of the degree of experience of the shooter. **Rank novices who had never fired a firearm of any type** (not even a .22 rifle) were able after a brief instruction and practice with a crossbow to **outperform even the best competitive hand-held compound bow shooters at hunting distances**. The effective hunting range for the crossbow was calculated to be **six times that of a hand-held compound bow**. Copies of the full report may be obtained through the Professional Bowhunters Society in North Carolina. The Marlow Study is also summarized in the PBS video "It's Not a Bow", which is included in this packet.

Another indication that the crossbow is not acceptable bowhunting equipment comes from the nation's leading authority on bowhunting education – the **National Bowhunter Education Foundation** (NBEF). The NBEF is responsible for the bowhunter education programs across the country and develops the educational materials used in Montana's and other states' courses. The course is mandatory in Montana (and many other states) for all first time bowhunters. The NBEF states quite clearly on page 16 of their current manual that **the crossbow is not a bow by definition and that it should not be considered for use in any "bowhunting only" season**. Furthermore, if states or provinces approve crossbows for hunting, their use should be restricted to firearms season (See attached).

Other compelling opinions come from within the ranks of the archery industry, itself. Mr. Norb Mullaney is a professional engineer who is recognized in this country and by the members of the Archery Manufacturers and Merchants Association as a leading authority on the physics of bows. His comments on internal ballistics (see attached) clearly point out the distinct and fundamental differences between hand-held archery equipment and the crossbow. Furthermore, Precision Shooting Equipment (PSE), a company that manufactures and markets crossbows, has publicly stated that use of the crossbow should not "under any circumstances, coincide with archery seasons" (see PBS video "It's Not a Bow").

The crossbow is also rejected by national and state bowhunting organizations. The Pope and Young Club was founded to promote bowhunting under fair chase conditions. The P&Y club does not consider the crossbow to be a hunting bow. They see the crossbow as a serious threat to the future of bowhunting and recommend that its use be restricted to firearms' seasons (see attached).

The Professional Bowhunters Society (PBS) is an organization dedicated to the promotion of ethical bowhunting and has long been the country's leading opponent to any crossbow use during archery-only seasons. Their statement of policy (see attached) has been adopted by other organizations across the country.

The threat of crossbows has not escaped the scrutiny of enforcement officials. In New York State, the members of the New York Conservation Officers Association (NYCOA), charged with upholding the wildlife laws in New York State, voted unanimously to oppose the use of the crossbow in **any** hunting season in New York State (see attached).

One tactic commonly used by the crossbow industry to gain a foothold in a state is to lobby for approval of the crossbow for use by the disabled. Once this initial foothold is gained, efforts can be made to approve its use by the

general public during the archery season. As you can imagine, the potential market for this technologically superior weapon is tremendous. Just such a scenario has recently unfolded in Michigan where over 11,000 permits for crossbow-use by the disabled are in circulation. Michigan DNR officials have publicly admitted that they are unable to control the permitting process and that many of the permits are fraudulent (see attached article). Unable to prevent fraud, they have admitted defeat and proposed that crossbows be approved for use by the general public during the archery only season. Unfortunately, this can be a common progression of events and can significantly impact the game resources and the hunting seasons. In Ohio, the crossbow was legalized for use by anyone in 1982. By 1989, the crossbow harvest surpassed the archery harvest and the rate of growth of the crossbow harvest has exceeded that of either the archery or the gun harvest (see attached pamphlet "Crossbow Facts II").

It is sometimes erroneously assumed by those unfamiliar with archery equipment that any weapon that fires an arrow-like projectile must be a bow. The crossbow is often confused with archery equipment for this reason, even though the crossbow projectile is called a "bolt" or "quarrel" (not an arrow) and the crossbow itself has no bow limbs (they are called "prods") and has a rifle stock instead of a handle. This distinction is important, however, in that other weapons are being marketed that shoot arrow-like projectiles that are all vying for a share of the archery market. Attached is a document from the website of a company called Swivelmachine Works, Inc., which markets an "Airrow Rimfire" adaptation that shoots arrows from a Ruger rifle with velocities in excess of 400 fps!

The implications of weapons such as the Airrow Rimfire or the crossbow to a primitive archery season are enormous. In considering weapons for a primitive archery-only season, one must ask himself, "What is the fundamental difference between a crossbow and a Ruger .22 rifle adapted to shoot a similar projectile at 435 fps?" Or, for that matter, "What is the difference between those two weapons and a centerfire rifle?" Obviously very little difference can be found. No one would seriously consider allowing rifle use as a method of accommodating disabilities during an archery season. Likewise, any use of weapons such as the Rimfire or the crossbow must be similarly rejected for the very same reasons. It is impossible for weapons such as these to coexist with archery equipment in an archery-only season, without permanently altering the fundamental nature of bowhunting!

VI. Summary

The very foundation of the ADA requires that reasonable accommodations be provided, as long as the fundamental nature of the activity itself is not compromised. It is our feeling, along with that of the State of Montana and virtually every national bowhunting organization that weapons such as the Rimfire and the crossbow are simply not archery equipment and as such, represent a serious danger to the future integrity of the sport.

The MBA feels that the newly enacted Montana regulation allowing adaptive modifications to compound bows is fully sufficient to provide accommodations to the disabled. We believe that those who claim that they cannot use such modified equipment are simply unaware that such modifications exist commercially, have not personally tried them or are simply unwilling to put forth the effort required to use them. None of the above reasons is justification to introduce sophisticated, non-archery weapons into a primitive archery-only season.

The MBA feels that Mr. Reed has either not received adequate instruction in or experience with the adaptive devices that are now legal in Montana or that he simply prefers to use a crossbow for personal reasons. Again, should Mr. Reed personally desire to use a crossbow in Montana, he may legally do so without restriction during the generous five-week general season.

The MBA would like to express our appreciation for the opportunity to participate in this review. Enclosed, please find copies of other pertinent documents that demonstrate the use of adaptive devices and support our position on the issue at hand. Please feel free to contact us directly should you have any questions.

Sincerely,

Mark Baker
President,
Montana Bowhunters Association